

Message Text

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PAGE 01 STATE 072073

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ORIGIN NASA-02

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TO AMEMBASSY PRAGUE PRIORITY

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E.O. 11652:N/A

TAGS:TSPA

SUBJECT:COMPUTER SOFTWARE TO CZECHOSLOVAKIA

REF; PRAGUE 3025

1. RATIONALE FOR NASA POLICY RESTRICTIONS ON FOREIGN
SALES OF NASTRAN AND OTHER COMPUTER PROGRAMS BY COSMIC
IS BASED ON LARGE PUBLIC INVESTMENT IN DEVELOPING SUCH
PROGRAMS, SOME WITH IMPORTANT COMMERCIAL APPLICATIONS.
SINCE NASA PARTIALLY SUBSIDIZES COSMIC'S DISSEMINATION,
SUCH DISSEMINATION OF COMPUTER PROGRAMS SHOULD GENERALLY
BE LIMITED TO U.S. INDUSTRY. PRESENT NASA POLICY DOES
NOT PERMIT FOREIGN DISSEMINATION BY COSMIC UNLESS (A)
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PAGE 02 STATE 072073

AN APPROPRIATE QUID PRO QUO ARRANGEMENT EXISTS, (B) THE

PROGRAM IS USED IN SUPPORT OF AN AGREED COOPERATIVE PROJECT OF MUTUAL VALUE, OR (C) THE PROGRAM'S EXPORT IS SPONSORED BY ANOTHER USG DEPARTMENT. WE RECOGNIZE THAT U.S. COMPANIES HAVE ON OCCASSION EXPORTED SUCH PROGRAMS UNDER LICENSE.

2. NASA SEES NO JUSTIFICATION TO FACILITATE ACQUISITION AT SUBSIDIZED COST BY SKODA, CZECHOSLOVAKIA, OF NASTRAN WHICH IS AN EXTREMELY VALUABLE INDUSTRIAL TOOL. NASA SUGGESTS EMBASSY ADVISE DR. PRASEK THAT THE DESIRED PROGRAM IS NOT AVAILABLE FROM COSMIC TO NON-U.S. REQUESTERS,

AS STATED IN HAMILTON LETTER OF OCTOBER 22, 1974.

3. DEPARTMENT OF COMMERCE (OFFICE OF EXPORT ADMINISTRATION) CONSIDERS COMPUTER PROGRAMS SUCH AS NASTRAN AS "TECHNICAL DATA" FOR EXPORT CONTROL PURPOSES. COMMERCE EXPORT CONTROL REGULATIONS PROVIDE:

(A) DATA WHICH HAVE BEEN MADE GENERALLY AVAILABLE TO THE PUBLIC IN ANY FORM AS DESCRIBED IN PART 379.3(9) OF EXPORT ADMINISTRATION REGULATIONS MAY BE EXPORTED FROM U.S. TO ANY DESTINATION WITHOUT FURTHER REFERENCE TO OR AUTHORIZATION FROM DEPARTMENT OF COMMERCE.

(B) TECHNICAL DATA NOT GENERALLY AVAILABLE TO PUBLIC REQUIRE VALIDATED EXPORT LICENSE FROM DEPARTMENT OF COMMERCE PRIOR TO EXPORT TO COMMUNIST COUNTRIES (EXCEPT YUGOSLAVIA). OFFICE OF EXPORT ADMINISTRATION (OEA), DEPARTMENT OF COMMERCE, DOES NOT CONSIDER THAT NASTRAN HAS BEEN MADE GENERALLY AVAILABLE TO THE PUBLIC, AS DESCRIBED BY THE DEPARTMENT'S EXPORT ADMINISTRATION REGULATIONS, PART 379.3. CONSEQUENTLY, AN EXPORT LICENSE WOULD BE REQUIRED. WHETHER ONE WOULD BE ISSUED WOULD DEPEND ON THE DETAILS OF THE SPECIFIC TRANSACTION AND THE IMPLICATIONS OF THE TECHNOLOGY FOR NATIONAL SECURITY.

4. FYI IN VIEW OF NEW IMPORTANT COMPUTER PROGRAMS UNDER DEVELOPMENT, NASA RE-EVALUATING POLICY ON COMPUTER PROGRAM DISSEMINATION. IT MAY DECIDE ON MAKING OLDER LIMITED OFFICIAL USE

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PAGE 03 STATE 072073

PROGRAMS AVAILABLE IN FOREIGN COUNTRIES AT A PRICE PROMISING SOME RETURN TO U.S.G. END FYI KISSINGER

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